

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

67-C-110

D. C. Form No. 106A Rev.

9

TITLE OF CASE

ATTORNEYS

Securities and Exchange Commission,

VS

Community National Life Insurance Company,
 Jimmie J. Ryan,
 H. G. Bill Dickey,
 Howard E. Turrell,
 Brannon, Fulps & Company,
 Arnold R. Brannon,
 Lyndon L. Pearson, and
 Roy V. Montgomery,

For plaintiff:

M. David Hyman,
 Fredric C. Jacobs,
 Securities and Exchange Commission,
 500 North Capitol Street, N. W.
 Washington, D. C. 20549

Denny J. Silman,
 Securities and Exchange Commission,
 503 U. S. Courthouse,
 10th and Lamar Streets,
 Fort Worth, Texas, 76102

Nathan G. Graham U.S. Atty.

Additional Attorneys for Defendants:

Troy Kennon, Community Insurance Center,
 3rd and Boston, Tulsa, Oklahoma 74103

Paul C. Duncan, 2401 First National Bldg.
 Oklahoma City, Okla. 73102

Preston J. Moore, 4040 North Lincoln
 Oklahoma City, Okla. 73105

Robert G. Brown, 500 West Seventh
 Tulsa, Okla. 74119

Schuman, Pray, Scott and Livingston
 Fourth Natl Bldg, Tulsa, Oklahoma

For defendant: ~~Liberty Bk Bldg. O. City~~
~~Dickson M. Saunders, / and~~ 73102
~~Doerner, Stuart, Moreland, Saunders &~~
~~Daniel, for Community & Dickey,~~
~~Atlas Life Building, Tulsa, Okla. 74103~~

Pierce, Duncan, Couch & Hendrickson,
 24th floor, First National Building,
 Oklahoma City, Oklahoma, 73102

(Cleeta John Rogers (Pearson)
 Gravens Bldg., Oklahoma City, Okla.)
 Rm. 500, 14 N. Robinson Ave. 73102
 George F. Saunders, Liberty Bk Bldg.,
 Okla. City, Okla. 73102 (Montgomery)

CELM19
 Schuman, Pray & Levy, 1109 Petr. Club
 Bldg, Tulsa, xxx (for Howard E. Turrell)

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 7-5-67
 7-1-70

Clerk

J.S. 6 mailed 10-1-67
 5-1-70

Marshal

Basis of Action:
 Injunction,

Docket fee

Witness fees

Action arose at:

Depositions

1967 DATE	PROCEEDINGS	Date Order or Judgment Noted
6-22-67	Complaint, filed. Summons Issued. e	
6-29-67	Plaintiff's motion for Preliminary Injunction, filed. ds	
6-29-67	Plaintiff's affidavit in support of motion for Preliminary Injunction, filed. ds	
6-29-67	Plaintiff's Points and authorities in support of motion for Preliminary Injunction, filed. ds	
6-29-67	Plaintiff's Affidavit of service by mail, filed. ds	
6-30-67	Summons returned, filed - served Lyndon L. Pearson at Alabaster, Alabama, on 6-29-67. (Fee \$9.04) b	
7-6-67	Summons returned, filed - served Community National Life Insurance Co., by serving H. G. Bill Dickey, service agent; served H. G. Bill Dickey and Howard E. Turrel, both personally, at Tulsa, Oklahoma, on June 22, 1967; served Jimmie J. Ryan by serving H. G. Bill Dickey, his attorney, at Tulsa, Oklahoma on June 16, 1967. (Fee \$12.00) b	
7-11-67	Defendants granted 10 days additional time in which to plead or answer. (AEB-J) e	
7-18-67	Defendant Lyndon L. Pearson granted 10 days additional time in which to file motions or answer. (AEB-J)h	
7-20-67	Return on service of writ filed. Executed by serving Roy V. Montgomery at Oklahoma City, Oklahoma on 7-12-67. h (USM-\$6.16)	
7-21-67	Appearance of Schuman, Pray & Levy, for defendant, Howard E. Turrell, filed. ds	
7-21-67	Answer of defendant, Howard E. Turrell, filed. ds	
7-21-67	Answer of the defendant, Community National Life Insurance Company, filed. b	
7-21-67	Answer of the defendant, Jimmie J. Ryan, filed. b	
7-21-67	Answer of the defendant, H. G. Bill Dickey, filed. b	
7-21-67	Answer of the defendants, Brannon, Fulps & Company, a corporation, and Arnold R. Brannon, filed. b	
7-26-67	Stipulation and consent to entry of final judgment of permanent injunction, filed. e	
7-26-67	Judgment for permanent Injunction against Community National Life Insurance Company; Brannon, Fulps & Co; Jimmie J. Ryan; H. G. Bill Dickey; Howard E. Turrell; Arnold R. Brannon; filed and entered. (AEB-J) e	
7-31-67	Motion to quash complaint filed by defendant Lyndon L. Pearson. h	
7-31-67	Brief in support of motion to quash complaint against Lyndon L. Pearson filed. h	
8-1-67	Answer of defendant Roy V. Montgomery to complaint for injunction, filed. ds	
8-1-67	Motion for Continuance of defendant Roy V. Montgomery, filed. ds	
8-2-67	Hearing held on motions. Court orders that pending conference of attorneys, hearing is hereby passed. (Allen E. Barrow-Judge)h	
8-3-67	Hearing continued on plaintiff's motion for preliminary injunction; motion of defendant Lyndon L. Pearson to quash complaint and motion of defendant Montgomery for continuance. Plaintiff's motion for preliminary injunction set for full hearing on Tuesday, 9-12-67 at 10:00 A.M. Motion to quash complaint by defendant Pearson overruled. Motion for continuance of defendant Montgomery sustained. Defendants granted 10 days to file proper order on rulings. Government granted 5 days thereafter to file reply briefs. Defendants allowed 5 days to file any motions. Parties granted 15 days in which to exchange certain documents and defendants allowed to copy certain statements under Rule 34. (Allen E. Barrow-Judge)h	
8-8-67	Motion to dismiss complaint and opposition to motion for a preliminary injunction; motion for a severance; motion to extend tim to answer filed by defendant Lyndon L. Pearson. h	
8-8-67	Brief in support of above motions. h	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-17-67	Reporter's transcript of proceedings had on August 2 and August 3, 1967/ ^{filed} (Hearing on various motions) (LEM)h	
8-21-67	Preliminary statement filed by SEC in opposition to defendants motions filed. h	
8-30-67	Defendant, Roy V. Montgomery's list of witnesses, filed. b	
8-30-67	Affidavit of Roy V. Montgomery to plaintiff's motion for preliminary injunction, filed. b	
8-30-67	Defendant, Roy V. Montgomery's motion to dismiss plaintiff's application for preliminary injunction and motion for severance, filed. b	
8-30-67	Defendant, Roy V. Montgomery's brief in opposition to plaintiff's motion for preliminary injunction and in support of defendant's motion to dismiss plaintiff's application for preliminary injunction and in support of defendant's motion for severance, filed. b	
9-12-67	Hearing held on plaintiff's motion for preliminary injunction. Defendant Lyndon L. Pearson's motion to dismiss complaint and opposition to motion for preliminary injunction and motion for severance, being moot is overruled, and defendant Lyndon L. Pearson's motion for extension of time to file answer overruled. Answer of Lyndon L. Pearson to complaint for injunction filed in open court. Motion of defendant Roy V. Montgomery to dismiss plaintiff's application for preliminary injunction and motion for severance is hereby moot in view of announcement of attorney for SEC of pending agreed judgment to be filed by defendant Montgomery. Court finds for the defendant Lyndon L. Pearson and plaintiff's motion for preliminary injunction overruled. Court directs defendant Lyndon L. Pearson to prepare Findings of Fact and Conclusions of Law and file within 15 days. (Allen E. Barrow-Judge)h	
9-29-67	Findings of fact and conclusions of law and order denying plaintiff's motion for preliminary injunction and sustaining motion of defendant Lyndon L. Pearson to dismiss, filed and entered. (AEB-J)g	
10-9-67	Motion to amend Findings of Fact and Conclusions of Law; to make additional Findings of Fact and Conclusions of Law; To vacate the order denying plaintiff's motion for preliminary injunction and granting the Defendant's motion to dismiss the Plaintiff's complaint and for leave to file additional affidavits or in the alternative to take additional testimony filed by SEC. h (Memorandum in support attached)	
10-31-67	Ctf. copy Judgment returned and filed: Served Howard E. Turrell, personally at Tulsa on 10-25-67; Brannon, Fulps & Co., and Arnold R. Brannon by serving Arnold R. Brannon personally at Tulsa on 10-27-67; Served Community National Life Insurance Co & H.G. Bill Dickey by serving H. G. Bill Dickey registered agent at Tulsa on 10-17-67; Served Jimmie J. Ryan personally at Tulsa on 10-23-67. e (Fee \$18.00)	
11-1-67	Memorandum in support of Findings of Fact and Conclusions of Law and in opposition to plaintiff's motions to amend Findings of Fact and Conclusion of Law; to vacate the Court's order denying plaintiff's motion for preliminary injunction; and to file additional affidavits or to take additional testimony, filed. b	
11-7-67	Affidavit of James A. Head, Jr., filed. b	
11-7-67	Affidavit of Frank Rubinstein, filed. b	
11-27-67	Motions to dismiss of defendant, Lyndon L. Pearson, and for additional findings, filed. ds	
11-27-67	Memorandum in support of further findings of fact and conclusions of law as moved by defendant, and in opposition to plaintiff/s motion to file further affidavits or take additional testimony, filed. ds	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-1-67	Order denying plaintiff's motions to amend findings of fact and conclusions of law, to make additional findings of fact and conclusions of law, to vacate the order denying plaintiff's motion for preliminary injunction and granting defendant's motion to dismiss complaint, and for leave to file additional affidavits or take additional testimony; and sustaining defendant's motion for additional findings filed and entered. (Allen E. Barrow-Judge)h	
12-14-67	Stipulation and consent as to defendant Montgomery filed. h	
12-14-67	Order filed and entered. It is ordered that the defendant Montgomery is hereby permanently restrained from: using mails to sell, offer to sell, or cause to carry Class A common stock or any other class of security of Community Natl Life Insurance Co., or using the mails to bid for or purchase for any account in which defendant Montgomery has a beneficial interest, etc., or engaging in any act in violation of § 17(a) of the Securities Act of 1933 and § 10(b) of the SEC Act of 1934 and Rule 10b-5 thereunder. (AEB-J)h cards mailed.	
1-26-68	Notice of appeal by plaintiff, filed. Cpy mailed to Cleeta John Rogers.	
1-26-68	Affidavit of service, filed. g	
2-20-68	Transcript of proceedings had on 9-13-67, filed. (Clerk's copy) LEM-Rptr.	
3-4-68	Court Reporter's transcript of proceedings had on August 2, 1967 and August 3, 1967, filed. (Larry E. Marks, CSR) b	
3-4-68	Court Reporter's transcript of proceedings had on September 13, 1968 filed. (Larry E. Marks, CSR) b	
3-5-68	Order extending time to docket appeal to April 5, 1968, filed. (AEB-J)g	
3-25-68	Clerk's statement re number of pages in appeal record, filed. g	
3-25-68	Certificate of counsel for appellant re appeal record, filed. g	
3-25-68	Transcript of documents in lieu of appeal record sent to USCA, Denver. g	
6-10-68	Stipulation as to supplement to appeal record, filed. g	
10-7-68	Order of USCA, 10th Circuit, remanding cause to this court with instructions to allow plaintiff to amend its complaint or in the alternative to allow plaintiff to elect to stand on its complaint and to dismiss the action, filed. g (USCA retains jurisdiction)	
11-8-68	Order dismissing cause of action as to the defendant, Lyndon L. Pearson, filed and entered. (AEB-J) ds	
11-18-68	Notice of Appeal, by plaintiff, filed. Cpy mailed to Wm. L. Whittaker. s	
7-1-70	Mandate and Opinion of USCA, 10th Circuit, remanding cause for further proceedings, filed and spread of record. g	
8-21-70	Case set for disposition on Tues, Sept. 8, 1970 at 10:00 A.M. (AEB-J)h	
9-1-70	Case stricken from disposition docket of 9-8-70 at request of plaintiff to be reset after 30 days. (AEB-J)h	
1-7-71	Case set for disposition on Tues., Jan 12, 1971 at 10:00 A.M. (AEB-J)h	
1-12-71	Case called for hearing on disposition and stricken at request of SEC. (AEB=J)h	
3-3-71	Ordered by the Court that this case be set for Deposition Docket on Wednesday, March 17, 1971. (AEB-J)r	
3-17-71	Case called for hearing on disposition. At request of attorneys for defendants, all names but Cleeta John Rogers will be stricken from appearance docket for purpose of notification. SEC files stipulation and Consent to entry of Final Judgment of Perm. Inj. Forms for Judgment for Permanent Inj. furnished the court by parties, and it is taken under advisement. (AEB-J)h	
4-26-71	Judgment for Permanent Injunction, filed and entered. (AEB-J)r	